

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MIGUEL P. ROSALES,

Plaintiff,

v.

Case No. 2:13-cv-1092 MV/GBW

STATE OF NEW MEXICO, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

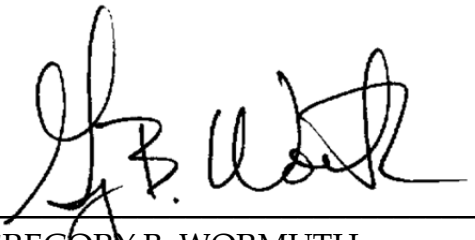
THIS MATTER is before the Court *sua sponte*. Plaintiff filed suit against numerous Defendants on May 22, 2010, and the case was removed to federal court on November 8, 2013. Federal Rule of Civil Procedure 4(m) provides, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In removed cases, the time for tolling the 120-day period begins upon the date of removal. *See* 28 U.S.C. § 1448. More than 120 days have elapsed since this action was removed to district court, and there is no indication that—with the exception of Defendants State of New Mexico, Adult Protective Services, District Attorney's Office, City of Alamogordo, and Karen Duprey—any of the other defendants have been served.

Plaintiff is therefore directed to show cause why his case should not be dismissed without prejudice as to the unserved defendants for failure to comply with the service and time provisions of Rule 4(m). Plaintiff's response to the Court's Order to Show Cause should be filed no later than **July 16, 2014**.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE